
ASSEMBLY BILL NO. 407—ASSEMBLYMEN HARDY AND ROBERTS

MARCH 21, 2019

JOINT SPONSORS: SENATORS HARDY,
HAMMOND; AND PICKARD

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions governing the administration of laws relating to motor vehicles. (BDR 43-1032)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to personal information; authorizing an agreement between the Department of Motor Vehicles and certain governmental entities regarding the maintenance and retention of certain records relating to the provision and use of certain personal information contained in the files and records of the Department; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the Department of Motor Vehicles may release certain
2 personal information, including a photograph, from a file or record relating to a
3 driver’s license, identification card or title or registration of a vehicle to a
4 governmental entity for use in carrying out the functions of the governmental
5 entity. Such a governmental entity must keep and maintain for 5 years a record of
6 each person to whom the information is provided and the purpose for which that
7 person will use the information. (NRS 481.063) This bill authorizes the
8 Department, upon the written request of a governmental entity, to enter into an
9 agreement with the governmental entity that exempts the governmental entity from
10 all or part of the requirements for the maintenance and retention of such records.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 481.063 is hereby amended to read as follows:

2 481.063 1. The Director may charge and collect reasonable
3 fees for official publications of the Department and from persons
4 making use of files and records of the Department or its various
5 divisions for a private purpose. All money so collected must be
6 deposited in the State Treasury for credit to the Motor Vehicle Fund.

7 2. Except as otherwise provided in subsection 6, the Director
8 may release personal information, except a photograph, from a file
9 or record relating to the driver's license, identification card, or title
10 or registration of a vehicle of a person if the requester submits a
11 written release from the person who holds a lien on the vehicle, or
12 an agent of that person, or the person about whom the information is
13 requested which is dated not more than 90 days before the date of
14 the request. The written release must be in a form required by the
15 Director.

16 3. Except as otherwise provided in subsections 2 and 4, the
17 Director shall not release to any person who is not a representative
18 of the Division of Welfare and Supportive Services of the
19 Department of Health and Human Services or an officer, employee
20 or agent of a law enforcement agency, an agent of the public
21 defender's office or an agency of a local government which collects
22 fines imposed for parking violations, who is not conducting an
23 investigation pursuant to NRS 253.0415 or 253.220, who is not
24 authorized to transact insurance pursuant to chapter 680A of NRS or
25 who is not licensed as a private investigator pursuant to chapter 648
26 of NRS and conducting an investigation of an insurance claim:

27 (a) A list which includes license plate numbers combined with
28 any other information in the records or files of the Department;

29 (b) The social security number of any person, if it is requested to
30 facilitate the solicitation of that person to purchase a product or
31 service; or

32 (c) The name, address, telephone number or any other
33 personally identifiable information if the information is requested by
34 the presentation of a license plate number.

35 ➤ When such personally identifiable information is requested of a
36 law enforcement agency by the presentation of a license plate
37 number, the law enforcement agency shall conduct an investigation
38 regarding the person about whom information is being requested or,
39 as soon as practicable, provide the requester with the requested
40 information if the requester officially reports that the motor vehicle
41 bearing that license plate was used in a violation of NRS 205.240,
42 205.345, 205.380 or 205.445.



1 4. If a person is authorized to obtain such information pursuant
2 to a contract entered into with the Department and if such
3 information is requested for the purpose of an advisory notice
4 relating to a motor vehicle or the recall of a motor vehicle or for the
5 purpose of providing information concerning the history of a
6 vehicle, the Director may release:

7 (a) A list which includes license plate numbers combined with
8 any other information in the records or files of the Department; or

9 (b) The name, address, telephone number or any other
10 personally identifiable information if the information is requested by
11 the presentation of a license plate number.

12 5. Except as otherwise provided in subsections 2, 4 and 6 and
13 NRS 483.294, 483.855 and 483.937, the Director shall not release
14 any personal information from a file or record relating to a driver's
15 license, identification card, or title or registration of a vehicle.

16 6. Except as otherwise provided in paragraph (a) and
17 subsection 7, if a person or governmental entity provides a
18 description of the information requested and its proposed use and
19 signs an affidavit to that effect, the Director may release any
20 personal information, except a photograph, from a file or record
21 relating to a driver's license, identification card, or title or
22 registration of a vehicle for use:

23 (a) By any governmental entity, including, but not limited to,
24 any court or law enforcement agency, in carrying out its functions,
25 or any person acting on behalf of a federal, state or local
26 governmental agency in carrying out its functions. The personal
27 information may include a photograph from a file or record relating
28 to a driver's license, identification card, or title or registration of a
29 vehicle.

30 (b) In connection with any civil, criminal, administrative or
31 arbitration proceeding before any federal or state court, regulatory
32 body, board, commission or agency, including, but not limited to,
33 use for service of process, investigation in anticipation of litigation,
34 and execution or enforcement of judgments and orders, or pursuant
35 to an order of a federal or state court.

36 (c) In connection with matters relating to:

37 (1) The safety of drivers of motor vehicles;

38 (2) Safety and thefts of motor vehicles;

39 (3) Emissions from motor vehicles;

40 (4) Alterations of products related to motor vehicles;

41 (5) An advisory notice relating to a motor vehicle or the
42 recall of a motor vehicle;

43 (6) Monitoring the performance of motor vehicles;

44 (7) Parts or accessories of motor vehicles;

45 (8) Dealers of motor vehicles; or



1 (9) Removal of nonowner records from the original records
2 of motor vehicle manufacturers.

3 (d) By any insurer, self-insurer or organization that provides
4 assistance or support to an insurer or self-insurer or its agents,
5 employees or contractors, in connection with activities relating to
6 the rating, underwriting or investigation of claims or the prevention
7 of fraud.

8 (e) In providing notice to the owners of vehicles that have been
9 towed, repossessed or impounded.

10 (f) By an employer or its agent or insurer to obtain or verify
11 information relating to a holder of a commercial driver's license
12 who is employed by or has applied for employment with the
13 employer.

14 (g) By a private investigator, private patrol officer or security
15 consultant who is licensed pursuant to chapter 648 of NRS, for any
16 use permitted pursuant to this section.

17 (h) By a reporter or editorial employee who is employed by or
18 affiliated with any newspaper, press association or commercially
19 operated, federally licensed radio or television station for a
20 journalistic purpose. The Department may not make any inquiries
21 regarding the use of or reason for the information requested other
22 than whether the information will be used for a journalistic purpose.

23 (i) In connection with an investigation conducted pursuant to
24 NRS 253.0415 or 253.220.

25 (j) In activities relating to research and the production of
26 statistical reports, if the personal information will not be published
27 or otherwise redisclosed, or used to contact any person.

28 7. Except as otherwise provided in paragraph (j) of subsection
29 6, the Director shall not provide personal information to individuals
30 or companies for the purpose of marketing extended vehicle
31 warranties, and a person who requests and receives personal
32 information may sell or disclose that information only for a use
33 permitted pursuant to subsection 6. ~~[Such]~~ *Except as otherwise*
34 *provided in subsection 8, such* a person shall keep and maintain for
35 5 years a record of:

36 (a) Each person to whom the information is provided; and

37 (b) The purpose for which that person will use the information.

38 ↪ The record must be made available for examination by the
39 Department at all reasonable times upon request.

40 8. *Upon the written request of a governmental entity, the*
41 *Department may enter into an agreement with the governmental*
42 *entity using information obtained pursuant to paragraph (a) of*
43 *subsection 6 that exempts the governmental entity from all or part*
44 *of the requirements of subsection 7 regarding the maintenance*
45 *and retention of records.*



1 **9.** Except as otherwise provided in subsection 2, the Director
2 may deny any use of the files and records if the Director reasonably
3 believes that the information taken may be used for an unwarranted
4 invasion of a particular person's privacy.

5 ~~9.~~ **10.** Except as otherwise provided in NRS 485.316, the
6 Director shall not allow any person to make use of information
7 retrieved from the system created pursuant to NRS 485.313 for a
8 private purpose and shall not in any other way release any
9 information retrieved from that system.

10 ~~10.~~ **11.** The Director shall not release any information
11 relating to legal presence or any other information relating to or
12 describing immigration status, nationality or citizenship from a file
13 or record relating to a request for or the issuance of a license,
14 identification card or title or registration of a vehicle to any person
15 or to any federal, state or local governmental entity for any purpose
16 relating to the enforcement of immigration laws.

17 ~~11.~~ **12.** The Director shall adopt such regulations as the
18 Director deems necessary to carry out the purposes of this section.
19 In addition, the Director shall, by regulation, establish a procedure
20 whereby a person who is requesting personal information may
21 establish an account with the Department to facilitate the person's
22 ability to request information electronically or by written request if
23 the person has submitted to the Department proof of employment or
24 licensure, as applicable, and a signed and notarized affidavit
25 acknowledging that the person:

26 (a) Has read and fully understands the current laws and
27 regulations regarding the manner in which information from the
28 Department's files and records may be obtained and the limited uses
29 which are permitted;

30 (b) Understands that any sale or disclosure of information so
31 obtained must be in accordance with the provisions of this section;

32 (c) Understands that a record will be maintained by the
33 Department of any information he or she requests; and

34 (d) Understands that a violation of the provisions of this section
35 is a criminal offense.

36 ~~12.~~ **13.** It is unlawful for any person to:

37 (a) Make a false representation to obtain any information from
38 the files or records of the Department.

39 (b) Knowingly obtain or disclose any information from the files
40 or records of the Department for any use not permitted by the
41 provisions of this chapter.

42 ~~13.~~ **14.** As used in this section:

43 (a) "Information relating to legal presence" means information
44 that may reveal whether a person is legally present in the United
45 States, including, without limitation, whether the driver's license



1 that a person possesses is a driver authorization card, whether the
2 person applied for a driver's license pursuant to NRS 483.290 or
3 483.291 and the documentation used to prove name, age and
4 residence that was provided by the person with his or her application
5 for a driver's license.

6 (b) "Personal information" means information that reveals the
7 identity of a person, including, without limitation, his or her
8 photograph, social security number, individual taxpayer
9 identification number, driver's license number, identification card
10 number, name, address, telephone number or information regarding
11 a medical condition or disability. The term does not include the zip
12 code of a person when separate from his or her full address,
13 information regarding vehicular crashes or driving violations in
14 which he or she has been involved or other information otherwise
15 affecting his or her status as a driver.

16 (c) "Vehicle" includes, without limitation, an off-highway
17 vehicle as defined in NRS 490.060.

18 **Sec. 2.** This act becomes effective on July 1, 2019.



